

CASREF,MEDIATION

**U.S. DISTRICT COURT**  
**U.S. District Court, Western District of New York (Buffalo)**  
**CIVIL DOCKET FOR CASE #: 1:14-cv-00330-RJA-LGF**

Pickering v. U.S. Department of Justice  
Assigned to: Hon. Richard J. Arcara  
Referred to: Hon. Leslie G. Foschio  
Related Cases: [1:19-cv-00001-LGF](#)  
[1:19-cv-00417-RJA-LGF](#)  
Cause: 05:552 Freedom of Information Act

**Plaintiff****Leslie James Pickering**

Date Filed: 05/01/2014  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

represented by **Joseph M. Finnerty**  
Hiscock & Barclay LLP  
1100 M&T Center  
Three Fountain Plaza  
Buffalo, NY 14203-1486  
(716) 566-1471  
Fax: 716-846-1229  
Email: [jfinnerty@barclaydamon.com](mailto:jfinnerty@barclaydamon.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael Kuzma**  
1893 Clinton Street  
Buffalo, NY 14206  
(716) 822-7645  
Fax: 716-823-1815  
Email: [kuzma\\_michael@hotmail.com](mailto:kuzma_michael@hotmail.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****U.S. Department of Justice**

represented by **Michael S. Cerrone**  
U.S. Attorney's Office  
Federal Centre  
138 Delaware Avenue  
Buffalo, NY 14202  
716-843-5851  
Fax: 716-551-3196  
Email: [michael.cerrone@usdoj.gov](mailto:michael.cerrone@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/01/2014	<u>1</u>	COMPLAINT against U.S. Department of Justice, filed by Leslie James Pickering. (DLC) Filing Fee \$400.00 paid, receipt no. BUF040004. Modified on 5/1/2014 (DLC). (Entered: 05/01/2014)
05/01/2014	<u>2</u>	Notice of Right to Consent to proceed before a Magistrate Judge form. (DLC) (Entered: 05/01/2014)
05/01/2014		AUTOMATIC REFERRAL to Mediation The ADR Plan is available for download at <a href="http://www.nywd.uscourts.gov/alternative-dispute-resolution">http://www.nywd.uscourts.gov/alternative-dispute-resolution</a> (DLC) (Entered: 05/01/2014)

05/06/2014	<u>3</u>	AFFIDAVIT of Service for Summons and Complaint served on Valerie T. Rose on 05/01/2014, filed by Leslie James Pickering. (Kuzma, Michael) (Entered: 05/06/2014)
05/30/2014	<u>4</u>	STIPULATION by U.S. Department of Justice. (Cerrone, Michael) (Entered: 05/30/2014)
06/02/2014	<u>5</u>	TEXT ORDER: The Stipulation to extend the defendant's time to answer <u>4</u> is approved. The U.S. Department of Justice shall file their answer to plaintiff's complaint on or before July 2, 2014. Issued by Hon. Richard J. Arcara on 6/2/14. (LAS) (Entered: 06/02/2014)
07/02/2014	<u>6</u>	ANSWER to <u>1</u> Complaint by U.S. Department of Justice.(Cerrone, Michael) (Entered: 07/02/2014)
07/02/2014	<u>7</u>	TEXT ORDER REFERRING CASE to Magistrate Judge Hon. Leslie G. Foschio. The Magistrate Judge is hereby designated to act in this case as follows: Pursuant to 28 U.S.C. Section 636(b)(1)(A) and (B), all pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including but not limited to: (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Fed. R. Civ. P. 16, (2) hearing and disposition of all non-dispositive motions or applications, (3) supervision of discovery, and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge. The Magistrate Judge shall also hear and report upon dispositive motions for the consideration of the District Judge pursuant to 28 U.S.C. Section 636(b)(1)(B) and (C). All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. The parties are encouraged to consider the provisions of 28 U.S.C. Section 636(c) governing consent to either partial or complete disposition of the case, including trial if necessary, by the Magistrate Judge. Consent forms are available from the office of the Magistrate Judge or the office of the Clerk of Court. IT IS SO ORDERED. Issued by Hon. Richard J. Arcara on 7/2/14. (LAS) (Entered: 07/02/2014)
07/03/2014		Automatic Referral to Mediation; The ADR Plan is available for download at <a href="http://www.nywd.uscourts.gov/alternative-dispute-resolution(DZ)">http://www.nywd.uscourts.gov/alternative-dispute-resolution(DZ)</a> (Entered: 07/03/2014)
07/15/2014	<u>8</u>	First MOTION for Disclosure <i>Vaughn Index</i> by Leslie James Pickering. (Attachments: # <u>1</u> Memorandum in Support)(Kuzma, Michael) (Entered: 07/15/2014)
07/15/2014	<u>9</u>	First MOTION to Opt Out of ADR by Leslie James Pickering.(Kuzma, Michael) (Entered: 07/15/2014)
07/23/2014	<u>10</u>	ORDER. Scheduling Conference set for 9/9/2014 11:00 AM before Hon. Leslie G. Foschio. Signed by Hon. Leslie G. Foschio on 7/23/2014. (SDW) (Entered: 07/24/2014)
07/23/2014	<u>11</u>	ORDER re <u>8</u> First MOTION for Disclosure <i>Vaughn Index</i> filed by Leslie James Pickering. Responses due by 8/15/2014. Replies due by 8/22/2014. Signed by Hon. Leslie G. Foschio on 7/23/2014. (SDW) (Entered: 07/24/2014)
08/15/2014	<u>12</u>	DECLARATION signed by Michael S. Cerrone re <u>8</u> First MOTION for Disclosure <i>Vaughn Index</i> filed by U.S. Department of Justice . (Cerrone, Michael) (Entered: 08/15/2014)
08/28/2014	<u>13</u>	NOTICE of Appearance by Joseph M. Finnerty on behalf of Leslie James Pickering (Finnerty, Joseph) (Entered: 08/28/2014)
09/08/2014	<u>14</u>	TEXT ORDER. Scheduling Conference set for 9/11/2014 02:30 PM before Hon. Leslie G. Foschio; adjourned from 9/9/2014 at the court's request. Issued by Hon. Leslie G. Foschio on 9/8/2014. (SDW) (Entered: 09/08/2014)
09/11/2014	<u>15</u>	Minute Entry for proceedings held before Hon. Leslie G. Foschio: Scheduling Conference held on 9/11/2014. Parties directed to provide the court with a joint proposed scheduling order or separate opposing scheduling orders with cases cited within 30 days. Appearances: Pltf: Michael Kuzman, Esq.; Dft: AUSA Michael Cerrone (Court Reporter FTR Gold.) (SDW) (Entered: 09/11/2014)

10/14/2014	<u>16</u>	Proposed Pretrial Order <i>Joint Proposed Rule 16 Order</i> by U.S. Department of Justice. (Cerrone, Michael) (Entered: 10/14/2014)
10/16/2014	<u>17</u>	SCHEUDLING/CASE MANAGEMENT ORDER (Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.) DOJ and ATF to release non-exempt documents 12/31/2014. Vaughn index of ATF 12/31/2014. DOJ, FBI to release non-exempt through rolling production on 11/30/2014 with final release by 12/31/2017. Vaughn index by FBI by 12/31/2017. Dispositive Motions due by 2/28/2018.. Signed by Hon. Leslie G. Foschio on 10/16/2014. (SDW) (Entered: 10/17/2014)
02/03/2015	<u>18</u>	REPLY/RESPONSE to re <u>8</u> First MOTION for Disclosure <i>Vaughn Index (ATF Vaughn Index)</i> filed by U.S. Department of Justice. (Cerrone, Michael) (Entered: 02/03/2015)
02/03/2015	<u>19</u>	TEXT ORDER. As the Vaughn Index has been disclosed (see Doc. No. 18), Plaintiff Leslie James Pickering's <u>8</u> First MOTION for Disclosure <i>Vaughn Index</i> is dismissed as moot. Issued by Hon. Leslie G. Foschio on 2/3/2015. (SDW) (Entered: 02/03/2015)
12/27/2017	<u>20</u>	NOTICE by U.S. Department of Justice ( <i>Vaughn Index</i> ) (Cerrone, Michael) (Entered: 12/27/2017)
02/07/2018	<u>21</u>	MOTION for Extension of Time to File <i>Dispositive Motion</i> by U.S. Department of Justice. (Attachments: # <u>1</u> Declaration)(Cerrone, Michael) (Entered: 02/07/2018)
02/08/2018	<u>22</u>	TEXT ORDER granting <u>21</u> Motion for Extension of Time to File. Dispositive motions shall be filed not later than 4/30/2018. Issued by Hon. Leslie G. Foschio on 2/8/2018. (SDW) (Entered: 02/08/2018)
02/08/2018		Set/Reset Deadlines: Dispositive Motions due by 4/30/2018. (SDW) (Entered: 02/08/2018)
04/27/2018	<u>23</u>	MOTION for Summary Judgment by U.S. Department of Justice.(Cerrone, Michael) (Entered: 04/27/2018)
04/27/2018	<u>24</u>	MEMORANDUM IN SUPPORT re <u>23</u> MOTION for Summary Judgment by U.S. Department of Justice. (Cerrone, Michael) (Entered: 04/27/2018)
04/27/2018	<u>25</u>	STATEMENT OF FACTS ( <i>Statement of Undisputed Facts</i> ) by U.S. Department of Justice Related document: <u>23</u> Motion for Summary Judgment. (Cerrone, Michael) (Entered: 04/27/2018)
04/27/2018	<u>26</u>	SEALED DOCUMENT – Unredacted Declaration signed by Peter J. Chisholm re <u>23</u> MOTION for Summary Judgment filed by U.S. Department of Justice . (Cerrone, Michael) Modified on 5/9/2018 to seal unredacted document (KLH). (Entered: 04/27/2018)
04/27/2018	<u>27</u>	MOTION for Summary Judgment by U.S. Department of Justice.(Cerrone, Michael) (Entered: 04/27/2018)
04/27/2018	<u>28</u>	MEMORANDUM IN SUPPORT re <u>27</u> MOTION for Summary Judgment by U.S. Department of Justice. (Cerrone, Michael) (Entered: 04/27/2018)
04/27/2018	<u>29</u>	DECLARATION signed by David M. Hardy re <u>27</u> MOTION for Summary Judgment filed by U.S. Department of Justice . (Attachments: # <u>1</u> Exhibit A–Q)(Cerrone, Michael) (Attachment 1 replaced on 5/1/2018) (KLH). (Entered: 04/27/2018)
04/30/2018	<u>30</u>	STATEMENT OF FACTS ( <i>Statement of Undisputed Facts</i> ) by U.S. Department of Justice. (Cerrone, Michael) (Entered: 04/30/2018)
05/01/2018		E–Filing Notification regarding <u>29</u> DECLARATION signed by David M. Hardy: Document filed as Attachment 1, Exhibit A–Q has been replaced by the Clerk to correct a corrupted pdf. (KLH) (Entered: 05/01/2018)
05/03/2018	<u>31</u>	TEXT ORDER re <u>23</u> MOTION for Summary Judgment filed by U.S. Department of Justice, <u>27</u> MOTION for Summary Judgment filed by U.S. Department of Justice.

		Responses due by 5/31/2018. Replies due by 6/13/2018. Oral argument at the discretion of the court.  Issued by Hon. Leslie G. Foschio on 5/3/2018. (SDW) (Entered: 05/03/2018)
05/09/2018		E-Filing Notification regarding <u>26</u> DECLARATION filed by U.S. Department of Justice: Document access has been restricted by the Clerk. Filer is directed to re-file a redacted version of document #26, pursuant to FRCP 5.2. (KLH) (Entered: 05/09/2018)
05/10/2018	<u>32</u>	DECLARATION signed by Peter Chisholm re <u>23</u> MOTION for Summary Judgment filed by U.S. Department of Justice . (Cerrone, Michael) (Entered: 05/10/2018)
05/31/2018	<u>33</u>	First MOTION for Summary Judgment by Leslie James Pickering.(Kuzma, Michael) (Entered: 05/31/2018)
05/31/2018	<u>34</u>	MEMORANDUM in Support re <u>33</u> First MOTION for Summary Judgment filed by Leslie James Pickering. (Attachments: # <u>1</u> Exhibit DOJ Guide to Exemption 7 (A))(Kuzma, Michael) (Entered: 05/31/2018)
05/31/2018	<u>35</u>	STATEMENT OF FACTS ( <i>Statement of Undisputed Facts</i> ) by Leslie James Pickering Related document: <u>33</u> Motion for Summary Judgment. (Kuzma, Michael) (Entered: 05/31/2018)
05/31/2018	<u>36</u>	AFFIDAVIT re <u>33</u> First MOTION for Summary Judgment <i>signed by Adam Federman</i> by Leslie James Pickering. (Kuzma, Michael) (Entered: 05/31/2018)
05/31/2018	<u>37</u>	AFFIDAVIT re <u>33</u> First MOTION for Summary Judgment <i>signed by Michael Kuzma</i> by Leslie James Pickering. (Kuzma, Michael) (Entered: 05/31/2018)
05/31/2018	<u>38</u>	AFFIDAVIT <i>signed by Leslie James Pickering</i> by Leslie James Pickering. (Attachments: # <u>1</u> Exhibit newspaper articles)(Kuzma, Michael) (Entered: 05/31/2018)
06/07/2018	<u>39</u>	MOTION for Extension of Time to File Response/Reply as to <u>33</u> First MOTION for Summary Judgment by U.S. Department of Justice. (Attachments: # <u>1</u> Declaration)(Cerrone, Michael) (Entered: 06/07/2018)
06/19/2018	<u>40</u>	TEXT ORDER granting <u>39</u> Motion for Extension of Time to File Response/Reply re <u>23</u> MOTION for Summary Judgment , <u>33</u> First MOTION for Summary Judgment , <u>27</u> MOTION for Summary Judgment Defendant's Reply/Responses due by 8/17/2018. Plaintiff's Reply due by 8/31/2018. Issued by Hon. Leslie G. Foschio on 6/18/2018. (SDW) (Entered: 06/19/2018)
07/24/2018	<u>41</u>	TEXT ORDER. Scheduling Conference set for 8/6/2018 02:30 PM before Hon. Leslie G. Foschio. Issued by Hon. Leslie G. Foschio on 7/24/2018. (SDW) (Entered: 07/24/2018)
08/06/2018	<u>42</u>	Minute Entry for proceedings held before Hon. Leslie G. Foschio: Status Conference held on 8/6/2018. Current briefing schedule relative to cross motions for summary judgment is stayed for a period of 15 months (11/6/2019), at which time the parties shall file a letter, jointly or individually, to advised the court as to whether an amended schedule for completion of such briefing is required and, if so, recommend such schedule. Appearances: Pltf: Michael Kuzma, Esq., Dft: AUSA Michael Cerrone. (Court Reporter FTR Gold.) (SDW) (Entered: 08/06/2018)
11/05/2019	<u>43</u>	STATUS REPORT by U.S. Department of Justice. (Cerrone, Michael) (Entered: 11/05/2019)